

KOSHIBA AGENA & KUBOTA

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Attorneys for Defendant  
UNITED PUBLIC WORKERS,  
AFSCME, LOCAL 646, AFL-CIO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

JEANNE ENDO,	)	CIVIL NO. CV03-00563 LEK
	)	
Plaintiff,	)	DEFENDANT UNITED PUBLIC
	)	WORKERS' MEMORANDUM IN
vs.	)	OPPOSITION TO PLAINTIFF'S
	)	MOTION IN LIMINE TO
UNITED PUBLIC WORKERS,	)	EXCLUDE EVIDENCE
AFSCME LOCAL 646, AFL-CIO,	)	REGARDING PLAINTIFF'S
	)	COMPLAINT FILED WITH THE
Defendant,	)	HAWAII CIVIL RIGHTS
	)	COMMISSION ON JUNE 18, 1993;
vs.	)	CERTIFICATE OF SERVICE
	)	
GARY W. RODRIGUES,	)	
	)	
Third-Party Defendant.	)	
	)	TRIAL DATE: May 13, 2008
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DEFENDANT UNITED PUBLIC WORKERS' MEMORANDUM IN  
OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE  
EVIDENCE REGARDING PLAINTIFF'S COMPLAINT FILED WITH THE  
HAWAII CIVIL RIGHTS COMMISSION ON JUNE 18, 1993

Defendant United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) requests that the Court deny PLAINTIFF’S MOTION IN LIMINE TO EXCLUDE EVIDENCE REGARDING PLAINTIFF’S COMPLAINT FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION ON JUNE 18, 1993, filed April 22, 2008, for the reasons set forth below:

Plaintiff’s 1993 complaint against her previous employer is relevant to UPW’s defenses of untimeliness and failure to mitigate damages. Plaintiff asserts that she was sexually harassed soon after starting work at UPW in 1993, yet she never complained until April 2002. The fact that Plaintiff previously filed a civil rights/discrimination claim 1993 and was familiar with the Hawaii Civil Rights Commission (“HCRC”) process supports UPW’s defense that Plaintiff knew her rights and the process for asserting those rights, and she could have and should have much earlier asserted her claim and immediately stopped any further alleged discrimination and harassment.

DATED: Honolulu, Hawaii, April 29, 2008.

/s/ Charles A. Price

JAMES E. T. KOSHIBA

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UNITED PUBLIC WORKERS,  
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